

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TECH DATA CORPORATION,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Civil Action No. 05-667(GMS)

**HEWLETT-PACKARD COMPANY'S
MOTION TO DISMISS TECH DATA'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendant Hewlett-Packard Company ("HP") hereby moves to dismiss the Complaint filed by Tech Data Corporation ("Tech Data") pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim for which relief may be granted. The Complaint is time-barred and should be dismissed for the reasons set forth in HP's opening brief filed herewith.

Dated: October 4, 2005
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL



William H. Sudell, Jr. (No. 463)

Derek C. Abbott (No. 3376)

Daniel B. Butz (No. 4227)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

Telephone: (302) 658-9200

Facsimile: (302) 658-3989

- and -

FRIEDMAN DUMAS & SPRINGWATER LLP

Ellen A. Friedman

Cecily A. Dumas

Gail S. Greenwood

Brandon C. Chaves

One Maritime Plaza, Suite 2475

San Francisco, CA 94111

(415) 834-3800

Attorneys for Defendant

Hewlett-Packard Company

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